

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAY FINKELSTEIN, derivatively on behalf
of L&L Energy, Inc.

Plaintiff,

v.

DICKSON V. LEE, *et al.*,

Defendants,

and

L&L ENERGY, INC.,

Nominal Defendant.

No. C11-1910 RSL

**STIPULATED MOTION AND
[PROPOSED] ORDER FOR STAY**

**NOTE ON MOTION CALENDAR:
SEPTEMBER 30, 2014**

Pursuant to the September 15, 2014 Further Updated Joint Status Report re Mediation/Settlement ("Joint Status Report"), the Parties, by and through their undersigned counsel of record, hereby jointly stipulate and move as follows.

1. On September 19, 2014, the Parties finalized their negotiated settlement and executed a Stipulation of Settlement. A copy of the Stipulation of Settlement, with exhibits, is attached as Exhibit 1 to the accompanying Declaration of Rudy A. Englund in Support of Stipulated Motion for Stay ("Englund Declaration").

2. As indicated in the Joint Status Report, for reasons of judicial economy and the convenience of the Parties, the Plaintiffs in the four related L&L Energy derivative actions

**STIPULATED MOTION AND [PROPOSED] ORDER
FOR STAY - 1**
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126372.0004/6149262.1

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1 identified in the Stipulation of Settlement jointly filed on September 19, 2014 pursuant to the
 2 Stipulation of Settlement, a single Motion for Settlement Approval in *Stouffer v. Dickson V.*
 3 *Lee, et al.*, Case No. 11-0C-00352-1B (Nevada State Court), the first filed of the four related
 4 derivative cases, and scheduled a preliminary-approval hearing for September 26, 2014.

5 3. The preliminary-approval hearing in *Stouffer* was conducted as scheduled on
 6 September 26, 2014. At that hearing, the court entered its Order Preliminarily Approving
 7 Settlement and Providing for Notice ("Preliminary Approval Order"). A copy of the
 8 Preliminary Approval Order is attached as Exhibit 2 to the accompanying Englund
 9 Declaration.

10 4. As stated in the Preliminary Approval Order, a final settlement hearing has been
 11 scheduled before the *Stouffer* Court on December 4, 2014 at 9:00 am. The parties are in the
 12 process of complying with the various notice deadlines specified in the Preliminary Approval
 13 Order.

14 5. Paragraph 3.7 of the Stipulation of Settlement provides;

15 Within five calendar days of entry of the Judgment approving the Settlement of
 16 this action [*Stouffer*], plaintiffs Finkelstein, Bessent, and Giesbrecht shall file
 17 voluntary dismissals in the Related Actions dismissing the Related Actions
 18 with prejudice, and shall use their reasonable best efforts to take, or cause to be
 19 taken, all actions, and to do, or cause to be done, all things, reasonably
 necessary, proper, or advisable under applicable laws, regulations, and
 agreements to secure such dismissals with prejudice.

20 6. In view of the foregoing, the Parties stipulate, agree and respectfully request that the
 21 Court enter an Order staying further proceedings in this action pending the December 4, 2014
 22 final settlement hearing scheduled in the *Stouffer* action.

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STIPULATED MOTION AND [PROPOSED] ORDER
FOR STAY - 2
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1 Dated: September 30, 2014

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**STIPULATED MOTION AND [PROPOSED] ORDER
FOR STAY - 3**

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ORDER

This matter having come before the Court on the parties' stipulation, it is so ORDERED.

Dated: October____, 2014

The Honorable Robert S. Lasnik
United States District Judge

Presented by:
LANE POWELL PC

s/ Rudy Englund

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**STIPULATED MOTION AND [PROPOSED] ORDER
FOR STAY - 4**
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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on September 30, 2014 I caused to be served a copy of the foregoing **STIPULATED MOTION AND PROPOSED ORDER FOR STAY** on the following person(s) in the manner indicated below at the following addresses:

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☒ by **CM/ECF**
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☐ by **Facsimile Transmission**
☐ by **First Class Mail**
☐ by **Hand Delivery**
☐ by **Overnight Delivery**

DATED this 30th day of September, 2014 at Seattle, Washington.

s/Rudy A. Englund
Rudy A. Englund

**STIPULATED MOTION AND [PROPOSED] ORDER
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